



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Adress: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

| APPLICATION NO.                        | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/516,777                             | 01/13/2006  | Joachim Luithle      | Le A 36 131         | 5263             |
| 35969                                  | 7590        | 08/26/2009           |                     |                  |
| Barbara A. Shimici                     |             |                      | EXAMINER            |                  |
| Director, Patents & Licensing          |             |                      | MABRY, JOHN         |                  |
| Bayer HealthCare LLC - Pharmaceuticals |             |                      |                     |                  |
| 555 White Plains Road, Third Floor     |             |                      | ART UNIT            | PAPER NUMBER     |
| Tarrytown, NY 10591                    |             |                      | 1625                |                  |
|  |             |                      |                     |                  |
|  |             |                      | MAIL DATE           | DELIVERY MODE    |
|  |             |                      | 08/26/2009          | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|   |                                      |                                       |
|---|--------------------------------------|---------------------------------------|
| <b>Examiner-Initiated Interview Summary</b> | <b>Application No.</b><br>10/516,777 | <b>Applicant(s)</b><br>LUITHLE ET AL. |
|   | <b>Examiner</b><br>JOHN MABRY        | <b>Art Unit</b><br>1625               |

**All Participants:** **Status of Application:** \_\_\_\_\_

(1) JOHN MABRY. (3) \_\_\_\_\_.

(2) William Gray. (4) \_\_\_\_\_.

**Date of Interview:** 25 August 2009

**Time:** 11:45 am

**Type of Interview:**

- Telephonic
- Video Conference
- Personal (Copy given to:  Applicant     Applicant's representative)

**Exhibit Shown or Demonstrated:**  Yes     No

If Yes, provide a brief description: .

**Part I.**

Rejection(s) discussed:

n/a

Claims discussed:

n/a

Prior art documents discussed:

n/a

**Part II.**

**SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:**

*See Continuation Sheet*

**Part III.**

- It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

/John Mabry/  
Examiner, Art Unit 1625

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed:  
POTENTIAL ABANDONMENT FOR FAILURE TO RESPOND - Examiner and Attorney William Gray discussed via telephone if Applicant sent a Response to a Restriction mailed on December 23, 2008. Mr. Gray told Examiner that Applicant did not send a Response because Applicant intends to abandon Application 10/516,777 filed on 12/02/04.